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09/589,627	06/07/2000	Howard Gurney	858063.449	8613

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EXAMINER	
NGUYEN, TOAN D	

ART UNIT	PAPER NUMBER
2665	10

DATE MAILED: 01/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/589,627	GURNEY, HOWARD	
	Examiner	Art Unit	
	Toan D Nguyen	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 June 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *7,9* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed October 24, 2000 has been lost. Applicant is advised to resubmit it.

Claim Objections

2. Claims 1-16 are objected to because of the following informalities:

In claim 1 line 6, "an alternative output steam;" should be --- an alternative output stream; ---.

In claim 1 line 11, "output steam" should be --- output stream ---.

In claims 2-15, line 1, it is suggested to change "A" to --- The ---.

In claim 16 line 7, "an alternative output steam;" should be --- an alternative output stream; ---.

In claim 16 line 12, "output steam" should be --- output stream ---.

Appropriate correction is required.

3. Claim 14 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims 11 and 4. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits. They should refer back to the parent claim in alternative language only.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-2, 4-9, 11-13 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blatter et al. (U.S. Patent 5,754,651) in view of Nakase et al. (U.S. Patent 5,742,361).

For claims 1-2, 4-9 and 13, Blatter et al. disclose processing and storage of digital data and program specific information, said device comprising:

identifying means for identifying a first plurality of portions of data from said received stream of data and producing a first output stream (figure 1, col. 4 lines 44-47 and col. 4 lines 59-65);

first output means for outputting said first output stream (figure 1, col. 3 lines 51-60);

selecting means for selecting a second plurality of portions of data from said received stream of data and producing an alternative output stream (figure 1, col. 3 lines 46-51, col. 4 lines 44-49 and col. 4 lines 59-65).

However, Blatter et al. do not disclose:

(1) determining means for determining the relative timing of said second plurality of portions of data; and

(2) second output means for outputting said alternative output stream, wherein the relative timing between portions of data in the received stream of data and in the alternative output stream is maintained.

In an analogous art, Nakase et al. disclose determining means for determining the relative timing of said second plurality of portions of data (figure 6, col. 7 lines 15-30, col. 8 lines 13-28, col. 8 lines 54-60 and col. 13 lines 47-55 and col. 14 line 64 to col. 15 line 3); and

second output means for outputting said alternative output stream, wherein the relative timing between portions of data in the received stream of data and in the alternative output stream is maintained (figure 6, col. 7 lines 15-30, col. 8 lines 54-60 and col. 14 lines 12-58). Nakase et al. disclose further wherein said stream of data comprises a plurality of data packets and said plurality of portions of data occur within a packet (col. 1 lines 16-19 as set forth in claim 2); wherein means are provided for identifying which of said plurality of data packets comprise data to be output by said output means (figure 6, col. 13 lines 38-41 as set forth in claim 4); wherein storage means are provided for storing information for each portion of a packet indicating if the portion of data is valid or invalid (figure 1, col. 12 lines 3-14 as set forth in claim 5); wherein said information comprises a data portion valid signal (col. 11 line26 to col. col. 12 line 9 as set forth in claim 6); wherein the storage means comprises a first-in-first-out buffer (figure 1, col. 10 lines 27-29 as set forth in claim 7); wherein each data packet includes information identifying the beginning of said packet and means are provided for identifying the beginning of each packet (figure 6, col. 8 lines 45-51 and col. 13 lines 47-52 as set forth in claim 8); wherein said means for identifying the beginning of a packet provides an output for controlling the timing of the output of the selected data by said output means (col. 8 lines 54-60 and col. 14 line 64 to col. 15 line 3 as set forth in claim 9); wherein the means for storing the selected portions of data is a first in first out buffer (col. 11 lines 44- 51 as set forth in claim 13).

One skilled in the art would have recognized determining means for determining the relative timing of said second plurality of portions of data to use the teachings of Nakase et al. in the system of Blatter et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the determining means for determining the relative timing

of said second plurality of portions of data as taught by Nakase et al. in Blatter et al.'s system with the motivation being to provide a packet detection store unit for finding the selected packet data selected by the packet detection store unit to have a specific pattern for timing control processing of packet data forming the desired output data (col. 7 lines 15-19).

For claim 11, Blatter et al. disclose wherein means are provided for storing the selected portions of said data (col. 3 lines 46-49).

For claim 12, Blatter et al. disclose wherein the means for storing the selected portions of data stores only the selected portions of data (col. 3 lines 46-49).

For claim 15, Blatter et al. disclose wherein the input stream conforms to the MPEG-2 standard (col. 1 lines 28-30).

For claim 16, Blatter et al. disclose processing and storage of digital data and program specific information, said device comprising:

identifying means for identifying a first plurality of portions of data from said received stream of data and producing a first output stream (figure 1, col. 4 lines 44-47 and col. 4 lines 59-65);

first output means for outputting said first output stream (figure 1, col. 3 lines 51-60);

selecting means for selecting a second plurality of portions of data from said received stream of data and producing an alternative output steam (figure 1, col. 3 lines 46-51, col. 4 lines 44-49 and col. 4 lines 59-65).

However, Blatter et al. do not disclose:

determining means for determining the relative timing of said second plurality of portions of data; and

second output means for outputting said alternative output stream, wherein the relative timing between portions of data in the received stream of data and in the alternative output steam is maintained.

In an analogous art, Nakase et al. disclose determining means for determining the relative timing of said second plurality of portions of data (figure 6, col. 7 lines 15-30, col. 8 lines 13-28, col. 8 lines 54-60 and col. 13 lines 47-55 and col. 14 line 64 to col. 15 line 3); and second output means for outputting said alternative output stream, wherein the relative timing between portions of data in the received stream of data and in the alternative output stream is maintained (figure 6, col. 7 lines 15-30, col. 8 lines 54-60 and col. 14 lines 12-58).

One skilled in the art would have recognized determining means for determining the relative timing of said second plurality of portions of data to use the teachings of Nakase et al. in the system of Blatter et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the determining means for determining the relative timing of said second plurality of portions of data as taught by Nakase et al. in Blatter et al.'s system with the motivation being to provide a packet detection store unit for finding the selected packet data selected by the packet detection store unit to have a specific pattern for timing control processing of packet data forming the desired output data (col. 7 lines 15-19).

For claim 17, Blatter et al. disclose processing and storage of digital data and program specific information comprising the steps of:

receiving a stream of data (figure 1, col. 4 lines 23-26);

identifying a first plurality of portions of data from said received stream of data and producing a first output stream (figure 1, col. 4 lines 44-47 and col. 4 lines 59-65);

outputting said first output stream (figure 1, col. 3 lines 51-60);

selecting a second plurality of portions of data from said received stream of data and producing an alternative output stream (figure 1, col. 3 lines 46-51, col. 4 lines 44-49 and col. 4 lines 59-65).

However, Blatter et al. do not disclose:

determining the relative timing of said second plurality of portions of data; and

outputting the alternative output stream, wherein the relative timing between portions of data in the received stream of data and in the alternative output stream is maintained.

In an analogous art, Nakase et al. disclose determining the relative timing of said second plurality of portions of data (figure 6, col. 7 lines 15-30, col. 8 lines 13-28, col. 8 lines 54-60 and col. 13 lines 47-55, and col. 14 line 64 to col. 15 line 3); and outputting the alternative output stream, wherein the relative timing between portions of data in the received stream of data and in the alternative output stream is maintained (figure 6, col. 7 lines 15-30, col. 8 lines 54-60 and col. 14 lines 12-58).

One skilled in the art would have recognized determining means for determining the relative timing of said second plurality of portions of data to use the teachings of Nakase et al. in the system of Blatter et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the determining means for determining the relative timing of said second plurality of portions of data as taught by Nakase et al. in Blatter et al.'s system with the motivation being to provide a packet detection store unit for finding the selected packet data selected by the packet detection store unit to have a specific pattern for timing control processing of packet data forming the desired output data (col. 7 lines 15-19).

6. Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blatter et al. (U.S. Patent 5,754,651) in view of Nakase et al. (U.S. Patent 5,742,361) further in view of Naimpally et al. (U.S. Patent 5,650,825).

For claims 3 and 10, Blatter et al. in view of Nakase et al. do not disclose wherein each portion of data comprises a byte of data. In an analogous art, Naimpally et al. disclose wherein each portion of data comprises a byte of data (col. 10 lines 12-15).

Naimpally et al. disclose further wherein a fixed latency is provided between the input plurality of portions of data received by the device and the output of those selected portions of data (figure 1, col. 2 lines 24-26 as set forth in claim 10).

One skilled in the art would have recognized wherein each portion of data comprises a byte of data to use the teachings of Naimpally et al. in the system of Blatter et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the portion of data comprises a byte of data as taught by Naimpally et al. in Blatter et al.'s system with the motivation being to provide a process, knowing the format of start codes used by meaningful data (e.g., picture data) in the payload of a Transport Packet, counts the stuffing bits in the packet payload until a start code is encountered (col. 10 lines 3-9).

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blatter et al. (U.S. Patent 5,754,651) in view of Nakase et al. (U.S. Patent 5,742,361) further in view of Dutey (U.S. Patent 6,205,180 B1).

For claim 14, Blatter et al. in view of Nakase et al. do not disclose wherein the output means comprises a state machine which controls the output of the selected portions of data, said state machine receives outputs from said means for storing said selected portions of data, and

said means for storing information on each portion of data. In an analogous art, Dutey discloses wherein the output means comprises a state machine which controls the output of the selected portions of data, said state machine receives outputs from said means for storing said selected portions of data, and said means for storing information on each portion of data (figure 5, col. 7 lines 24-30).

One skilled in the art would have recognized a state machine to use the teachings of Dutey in the system of Blatter et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the state machine as taught by Dutey in Blatter et al.'s system with the motivation being to search, the data flow for the packet start code (PSC) (col. 7 lines 19-20).

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D Nguyen whose telephone number is 703-305-0140. The examiner can normally be reached on Monday- Friday (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 703-308-6602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

Toan D. Nguyen

Toan D. Nguyen